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Attorney Docket # 3029-74DIV

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yasuhiro SAKAI et al.

Serial No.: 10/803,667

Filed: March 18, 2004

For: Method of Staining, and Detecting and Counting  
Bacteria, and a Diluent for Bacterial Stain

Examiner: Julie Ha  
Group Art: 1654

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Kent H. Cheng

Name of applicant, assignee or Registered Representative

*Kent H. Cheng*

Signature

February 22, 2007

Date of Signature

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P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT FOR ELECTION  
OF SPECIES/RESTRICTION

SIR:

In response to the Requirement for Restriction Election of Species dated January 22, 2007,  
applicants submits as follows:

Claims 1-19 are pending in the present application. The Examiner points to patentably  
distinct species: nitrite, polymethine dye, quaternary ammonium salt, and buffer. Applicants  
herein elect sulfamic acid recited in claim 2 as the nitrite reducing agent, and the dye represented  
by the formula (10) in claim 3 as the polymethine dye. Regarding formula (10), applicants elects  
the single species disclosed as Dye A on page 19 of the present application. Applicants elect

tetradecyl trimethyl ammonium bromide as the quaternary ammonium salt from claim 5 and 6.

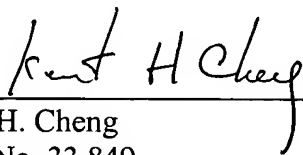
Applicants elect citric acid- NaOH as the buffer from claim 10.

Applicants reserves the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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Dated: February 22, 2007